

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SHAWN VAGUE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C22-1684 RSM

**ORDER AMENDING  
SCHEDULING ORDER**

Plaintiff was required to file the Opening Brief for this matter on or before June 12, 2023. Dkt. 13. By June 20, 2023, Plaintiff still had not filed the Opening Brief, prompting the Court to issue an order for Plaintiff to show cause by July 3, 2023, why this matter should not be dismissed for lack of prosecution. Dkt. 14. Plaintiff responded to the Court's order on July 3, 2023, with a request to extend the due date for the Opening Brief. Dkt. 15 at 1–2. Plaintiff's counsel explained that his failure to comply with the June 12, 2023 due date was caused by his extensive workload. *Id.* at 2. Plaintiff also included his communication with Defendant's counsel, which shows he was not able to inform Defendant's counsel of his intent to make an extension request before June 12 because he "was in depositions most days between June 12 and June 20," and that Defendant's counsel has no objection to the request. *See* Dkt. 15-1 at 1–3.

The Court does not find Plaintiff's counsel extensive workload a reasonable cause for

1 failure to comply with the Court's Scheduling Order. The Court also notes Plaintiff's request for  
2 an extension is untimely under LCR 7(j), which states the party seeking relief from a deadline  
3 must endeavor to file its motion "sufficiently in advance of the deadline to allow the court to rule  
4 on the motion prior to the deadline." The Court will nonetheless grant Plaintiff's request for  
5 extension, given Defendant's counsel has no opposition. However, the Court reminds Plaintiff's  
6 counsel that "[a]n attorney or party who without just cause fails to comply with ... [the local]  
7 rules, or an order of the court, or who presents to the court unnecessary motions ..., or who  
8 otherwise so multiplies or obstructs the proceedings in a case may, in addition to or in lieu of the  
9 sanctions and penalties provided elsewhere in these rules, ... be subject to such other sanctions  
10 as the court may deem appropriate." LCR 11(c). The Court, therefore, advises Plaintiff's  
11 counsel that any failure to comply with the Court's orders in the future may result in sanctions.

12 Accordingly, the Scheduling Order is hereby AMENDED for a second time as follows:

- 13 • Plaintiff shall have up to and including July 17, 2023 to file the Opening Brief.
- 14 • Defendant shall have up to and including August 16, 2023 to file the Responsive  
15 Brief.
- 16 • Plaintiff shall have up to and including August 30, 2023 to file the optional Reply  
17 Brief.

18 DATED this 5th day of July, 2023.

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21 Ricardo S. Martinez  
22 United States District Judge  
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